

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JESUS CHAVEZ FLORES,

Plaintiff,

V.

UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT, et
al.,

Defendants.

CASE NO. C18-5139 BHS-DWC

**ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO
SUPPLEMENT THE RECORD,
DECLINING TO ADOPT REPORT
AND RECOMMENDATION
BASED ON THE SUPPLEMENTAL
EVIDENCE, AND REFERRING
FOR FURTHER CONSIDERATION**

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable David W. Christel, United States Magistrate Judge, Dkt. 83, Defendants Michael Beardsley, Lowell Clark, GEO Does 1-10, William McHatton, Leroy Portillo, and the GEO Group, Inc.’s (collectively “GEO Defendants”) objections to the R&R, Dkt. 95, and Plaintiff Jesus Chavez Flores’s (“Flores”) objections to the R&R, Dkt. 99, and Flores’s motion for leave to supplement the record, Dkt. 118.

On October 10, 2018, Judge Christel issued the R&R recommending that the Court grant in part and deny in part the GEO Defendants' motion for summary judgment. Dkt. 83. On October 24, 2018, the GEO Defendants filed objections, Dkt. 95, a motion

1 for reconsideration, Dkt. 96, and evidence in support of both, Dkts. 97–98. That same
2 day, Flores filed objections. Dkt. 99. On November 5, 2018, Flores responded to the
3 GEO Defendants' objections. Dkt. 106.

4 On December 20, 2018, Flores filed a motion for leave to supplement the record.
5 Dkt. 118. On December 31, 2018, the GEO Defendants responded and have “no
6 objection to the Court’s consideration of ALL video to receive a full and fair final
7 adjudication on the merits.” Dkt. 134 at 5. On January 4, 2018, Flores replied. Dkt. 138.

8 In light of the GEO Defendants’ concession that Flores may supplement the
9 record, the Court **GRANTS** Flores’s motion for leave to supplement the record. Based
10 on the supplemental evidence, the Court declines to adopt the R&R and rerefers the
11 matter to Judge Christel for further consideration of the GEO Defendants’ motion for
12 summary judgment.

13 **IT IS SO ORDERED.**

14 Dated this 18th day of January, 2019.

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BENJAMIN H. SETTLE
United States District Judge
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